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House Bill _____
By _____

Senate No. SB1441
By Ford

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House Bill _____
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AN ACT to amend Tennessee Code Annotated, Section 68-212-205 and Section 68-212-224, relative to the voluntary cleanup oversight and assistance program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-212-224, is amended by deleting subsection (a) in its entirety and substituting in lieu thereof the following:

(a) There is hereby established a voluntary cleanup oversight and assistance program whereby parties who are willing and able to conduct an investigation and cleanup of an inactive hazardous substance site may do so with department oversight upon entering into a consent order outlining the steps to be taken for investigation, cleanup, monitoring, maintenance and oversight cost reimbursement. The consent order will not require the program participant to admit liability under this part. The consent order shall include an allocation of liability consistent with § 68-212-207(b), including a joint funding arrangement when less than all responsibility is allocated to the potentially liable party participating in the voluntary program, and if such party is the current owner of the inactive hazardous substance site, a lien to be affixed on the land consistent with the provisions of § 68-212-209(b) (1).

SECTION 2. Tennessee Code Annotated, Section 68-121-224, is amended by deleting subsection (b) in its entirety and substituting in lieu thereof the following:

(b) There is levied a fee of five thousand dollars (\$5,000) for participation in the voluntary cleanup oversight and assistance program. No credit for this fee shall be made from the remedial action fund and the fee shall be in addition to any other fee assessed pursuant to this part.

SECTION 3. Tennessee Code Annotated, Section 68-212-224, is amended by deleting subsection (d) in its entirety and substituting in lieu thereof the following:

(d) The commissioner is authorized to expend moneys from the remedial action fund to pay that portion of the investigation, cleanup, monitoring, maintenance and oversight of an inactive hazardous substance site to the extent such expenditures are allocated under the consent order to liable parties (whether identified or not) other than the potentially liable party conducting the investigation and cleanup of the inactive hazardous substance site pursuant to this program. The commissioner is authorized to seek recovery of such expenditures from the remedial action fund from said other liable

parties in the full amount of their respective allocated share of liability by any legal remedy through the exercise of his powers and duties as established by this part.

SECTION 4. Tennessee Code Annotated, Section 68-212-224(f), is amended by deleting the period “.” and substituting in lieu thereof the following:

provided, however, that the commissioner may not assess the potentially liable party participating in the voluntary program for a share of liability greater than the allocation established in the consent order.

SECTION 5. Tennessee Code Annotated, Section 68-212-224, is amended by adding the following as a new, appropriately designated subsection:

() Upon completion of the investigation and cleanup of the inactive hazardous substance site under this program, the commissioner will issue a letter to the potentially liable party participating in the program indicating that such party's obligations under the consent order have been completed and that no further action will be required.

SECTION 6. Tennessee Code Annotated, Section 68-212-205(a), is amended by adding the words “and sites responded to under the voluntary cleanup oversight and assistance program set forth in Section 68-212-224” to the end of the subsection immediately after the word “part” and immediately preceding the final period “.”.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.